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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/103,745	06/24/1998	SUDHIR AGRAWAL	IDRA-740US1	3401
99488 Furman Gregor	7590 07/15/201 y <b>Deptula</b>	EXAMINER		
215 Main Street		MCDONALD, JENNIFER SUE PITRAK		
·-	Suite 101 Biddeford, ME 04005			PAPER NUMBER
			1635	
			MAIL DATE	DELIVERY MODE
			07/15/2011	PAPER

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	09/103,745	AGRAWAL, SUDHIR			
Office Action Summary	Examiner	Art Unit			
	JENNIFER S.P. MCDONALD	1635			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  16(a). In no event, however, may a reply be tinuity apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
<ol> <li>Responsive to communication(s) filed on 16 M.</li> <li>This action is FINAL.</li> <li>Since this application is in condition for allowar closed in accordance with the practice under E.</li> </ol>	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ☐ Claim(s) 16-19 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 16-19 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction and the correction of the oath or declaration is objected to by the Exertific priority under 35 U.S.C. § 119	epted or b) objected to by the drawing(s) be held in abeyance. See on is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
<ul> <li>a) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)					
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate			

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 112 - Withdrawn

The rejection of claims 16-19 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement for containing new matter is withdrawn. The claim amendments have obviated the rejection.

### Claim Rejections - 35 USC § 103 - Maintained

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matulic-Adamic, et al. (US Patent 5,998,203, of record), Zhang, et al. (1995, of record), Temsamani, et al. (1992, of record), and Bennett, et al. (US Patent 5,843,738, of record). This rejection is maintained.

#### Response to arguments

Applicant argues that the claim amendments, removing "endogenous mammalian chromosomal DNA", eliminate Bennett's SEQ ID NO:63 as prior art against the claims. See page 6 of Applicant's 05/16/2011 response. This is not persuasive. The claims are directed to methods comprising the use of an oligonucleotide that is complementary to a portion of a "genomic region" or "gene" or "RNA transcript from such a gene", wherein "such gene or RNA transcript" is from a eukaryotic or prokaryotic pathogen or a virus. The amended claims do not exclude endogenous mammalian chromosomal DNA "genomic regions". Therefore, Bennett, et al. is maintained as prior art against the instant claims because SEQ ID NO:63 of Bennett, et al.

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is complementary to a portion of a genomic region. It is further noted that the claim limitation, "a portion of a genomic region or gene", provides no indication of the size of the portion of the claimed oligonucleotide that is complementary to the target. As such, Bennett's SEQ ID NO:63 is also complementary to a portion of the human immunodeficiency virus 1 (HIV-1) genome. For example, nucleotides 12-18 of Bennett's SEQ ID NO:63 are complementary to nucleotides 680-686 of HIV-1 (Genbank accession AF033819.3).

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER S.P. MCDONALD whose telephone number is (571)270-3061. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Calamita can be reached on 571-272-2876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JENNIFER S.P. MCDONALD/ Primary Examiner, Art Unit 1635